



CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this Office Action Response, pursuant to 37 C.F.R. § 1.8, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22323-1450, on:

Date: May 23, 2005

By: George J. Masse
Signature of Person Depositing as First Class Mail

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Michael N. Kozicki, et al.	Docket No.:	29089.5200
Serial No.:	10/796,808	Group Art Unit:	2823
Filing Date:	March 8, 2004	Examiner:	Kebede, Brook
Title:	PROGRAMMABLE STRUCTURE INCLUDING AN OXIDE ELECTROLYTE AND METHOD OF FORMING SAME	Confirmation No.:	2075

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM UNDER 35 USC
119(E) FOR BENEFIT OF PRIOR-FILED PROVISIONAL APPLICATION**

Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Fax: (703) 872-9306

05/25/2005 SDENB0B1 00000034 192814 10796808
02 FC:1454 1370.00 DA

Dear Sir:

In accordance with 35 USC § 119(e) and CFR § 1.78(a)(6), Applicants hereby petition for acceptance of the priority claim of the present application to Provisional U.S. Patent Application Serial No. 60/452,648, entitled **FABRICATION OF PROGRAMMABLE METALLIZATION CELL DEVICES WITH OXIDE ELECTROLYTES**, filed March 7, 2003. The entire delay between the date the priority claim was due under CFR § 1.78(a)(5)(ii) to the filing of this petition was unintentional.

Applicants hereby authorize the Commissioner to debit Deposit Account No. 19-2814 for the Petition Fee under 37 CFR §1.17(t) (\$1,330.00). This statement does not authorize the payment of the issue fee.

Should you have any questions, please do not hesitate to contact the undersigned at the telephone number listed below.

Adjustment date: 09/19/2005 AKELLEY
05/26/2005 AWONDAF1 00000039 192814 10796808
01 FC:1454 1370.00 CR
1675707

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 9/16/05 2 Serial/Patent # 10/796,808

3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
Filing			\$
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Notice of Appeal/Appeal			\$
<input checked="" type="checkbox"/> Petition	1FW	5/25/05	\$ 1370.00
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7 TOTAL AMOUNT OF REFUND \$ 1370.00

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11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Nancy Johnson

TITLE: Sr. Petitions Mgr

SIGNATURE: Nancy Johnson

PHONE: 571-272-3219

OFFICE: Patents

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APPROVED: Alma Killeen

DATE: 9/19/05

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Crystal Park One, Room 802B